Applicants respectfully disagree with this characterization of the Russo et al patent. As disclosed starting at column 6, line 16 through column 7, line 23, a first image of a fingerprint is detected on a biometric sensor at step 60. At step 66, the biometric sensor requires another fingerprint image. At step 68, the processor compares the image acquired at step 66 to the stored image from step 64. Hence, there is an image-to-image comparison to determine whether the second image is actually an image of the latent fingerprint from the first fingerprint image acquisition. Specifically at the paragraph bridging columns 6 and 7, it is revealed that if the comparison between the two images results in a value being above a threshold, then it is determined whether the stored image from the first acquisition is substantially identical to the stored image from the second acquisition by position and orientation. If so, the acquired image is determined to likely be a latent print. Hence, as also reiterated at column 7, lines 13-17, there is a correlation conducted between the acquired and stored image to determine if the correlation value is above a threshold value.

In marked contrast, claim 1 recites that the evaluation does not result from a correlation between two images, but rather whether the recorded fingerprint originates from the latent fingerprint on the sensor or from a finger placed on the sensor *on the basis of the location* of the recorded fingerprint on the sensor. The distinction perhaps is subtle in description, but is dramatic in effect. Specifically, the second image in the Russo et al system may be located at a completely different location on the sensor and the Russo et al system would still conduct a correlation between the acquired and stored images. This would result in a relatively greater

computational intensity. In marked contrast, as disclosed at page 12, lines 27-36 of the present specification, if the location of only partial area of two-fingerprint image is the same, the fingerprint can be considered as being located at the same place as the previously recorded fingerprint and thereby rejected as a latent print. This is computationally simple as to this particular embodiment. Hence, applicants respectfully contest the Examiner's characterization of the Russo et al patent.

Additionally, applicants are not clear as to why the Office believes that the Abtahi et al patent discloses an integral coordinate system of a sensor. To the reading of the undersigned, it appears to be quite different. Specifically, while the CCD array has x and y coordinates for each of its pixels, this CCD array is designed to shift its position by a stepper motor in order to align itself with the first "finger crease" 30. Hence, the coordinate system of the sensor array is not integral of the sensor, but rather is a movable CCD array within the sensor.

A distinction also goes to an aspect of the present invention. Specifically, because the present invention as recited in claim 1 evaluates whether or not a fingerprint is a latent fingerprint on the basis of location, an integral coordinate system is relatively useful. Both the Russo et al patent and the Abtahi et al patent are fingerprint comparison mechanisms, rather than location comparison mechanisms and therefore the coordinate system is not integral to the sensor. Rather the images need to be shifted to provide a comparison, as disclosed, for instance, in column 6, lines 45-53 of the Abtahi et al patent. Stated differently, the relative importance of the fingerprint's location on the sensor is greater in the present

invention. In the applied art, it is the relative similarity of the two prints, and not their location, that is important in the prior art.

Hence, even in combination, the Russo et al and Abtahi et al patents do not teach or suggest all of the recitations of independent claim 1. Even assuming the hypothetical combination proposed in the Office Action is appropriate, the hypothetical result would not meet the recitations of independent claim 1.

Finally, it is not clear that the motivation for the combination suggested in the Office Action is sustainable. The Office suggests that the combination is suggested because modifying Russo et al by the disclosure of the Abtahi et al patent would provide a "small data amount required to perform identification. This makes it possible to use low cost, low-density recording methods including a bar code and a magnetic strip (as suggested by the Abtahi at column 5, lines 5-8)." Applicants do not see any particular reason why Russo et al would want to use bar codes or magnetic strips insofar as it is simply a method for concealing latent fingerprints in a fingerprint sensor The hypothetical result would be a much more complicated system.

In light of the foregoing, applicants respectfully request reconsideration and allowance of the above-captioned application. Should any residual issues exist, the Examiner is invited to contact the undersigned at the number listed below. As a minor comment, it should be noted that claims 1, 3-14 and 16-25 are currently pending as correctly indicated in the body of the Office Action. However, the Office Action summary sheet omits mention of claims 5 and 6.

Respectfully submitted,

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